IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2477 OF 2007

Sadashiv Sidhappa Chanale ...Petitioner

Versus

Balgonda Shivgonda Patil & Anr. ...Respondents

Shri Rahul P. Walvekar for the Petitioner.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 05, 2007.

P.C.:

1. By this Writ Petition under Article 227 of the Constitution of India, the original second Defendant has taken exception to order dated 12th September, 2006 passed by the trial Court. The Petitioner applied by way of an Application seeking permission to file additional written statement. The said Application has been rejected by the impugned order. This was not a case where the plaint was amended giving a right to the Petitioner to file additional written statement. After the original written statement was filed by the Petitioner, in view of Rule 9 of Order VIII of the Code of Civil Procedure, 1908, the Petitioner could not have filed further pleadings.

2. However, the trial Court has observed that the Petitioner can always apply for amendment of written statement. If the Petitioner makes out a case for grant

of amendment to the written statement, such Application is bound to be considered on merits notwithstanding the impugned order.

3. Subject to what is stated above, Writ Petition is rejected.

JUDGE